

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)
)
Plaintiff,) (18 U.S.C. § 2)
) (18 U.S.C. § 1341)
v.)
)
JOSEPH ANTHONY GRAZIOLA, III,)
)
Defendant.)

INDICTMENT

CK-09-350 DWF/JSM

The United States Grand Jury Charges that:

INTRODUCTION

At all times relevant to this Indictment:

1. Joseph Anthony Graziola, III, resided in Glenmills, Pennsylvania.
2. American Same Day Service was a shipping company owned and operated by Joseph Anthony Graziola, III.
3. American Same Day Service conducted business in the States of Pennsylvania, Minnesota, and elsewhere.
4. Best Buy Company ("Best Buy") was an electronics company conducting business in Minnesota and elsewhere.

PURPOSE OF THE SCHEME

5. It was the purpose of the scheme to obtain money from Best Buy unlawfully by submitting fraudulent American Same Day invoices, to Best Buy for services that were never rendered, in exchange for payments totaling more than \$900,000.

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MANNER AND MEANS

6. It was part of the scheme and artifice to defraud that defendant, Joseph Anthony Graziola, III, applied for and received a Post Office Box 51 in Glenolden, Pennsylvania.

7. It was further part of the scheme and artifice to defraud that defendant, Joseph Anthony Graziola, III, registered American Same Day Service as a business receiving mail at Post Office Box 51 in Glenolden, Pennsylvania.

8. It was further part of the scheme and artifice to defraud that defendant, Joseph Anthony Graziola, III, prepared fraudulent invoices from American Same Day to Best Buy for the transportation of electronic equipment by American Same Day.

7. It was further part of the scheme and artifice to defraud that defendant, Joseph Anthony Graziola, III, mailed the fraudulent invoices from Pennsylvania to Best Buy in Minnesota.

8. It was further part of the scheme and artifice to defraud that defendant, Joseph Anthony Graziola, III, directed that payment be made to American Same Day ("ASD"), P.O. Box 51, Glenolden, Pennsylvania, 19036.

9. As a result of the execution of the scheme and artifice to defraud, defendant, Joseph Anthony Graziola, III, and others known and unknown to the grand jury, received through the mail, payments from Best Buy for services never rendered, totaling more than \$900,000.

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COUNTS 1-36
(Mail Fraud)

10. The Grand Jury realleges paragraphs 1 through 9 of the Indictment as if fully set forth herein.

11. From at least December of 2004 through at least December 2005, in the State and District of Minnesota, and elsewhere, the defendant,

JOSEPH ANTHONY GRAZIOLA, III,

aided and abetted by others known and unknown to the Grand Jury, knowingly and intentionally devised a scheme and artifice to defraud Best Buy, by means of false and fraudulent pretenses, representations, and promises.

12. On or about the dates specified below, in the State and District of Minnesota, and elsewhere, the defendant,

JOSEPH ANTHONY GRAZIOLA, III,

aided and abetted by others known and unknown to the Grand Jury, knowingly caused to be delivered by the United States Postal Service, according to the directions thereon, including but not limited to the matters and things further described below, for the purpose of executing the above-described scheme and artifice as follows:

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COUNT	INVOICE DATE	MAILING DATE	DESCRIPTION	ADDRESSEE
1	10/22/04	11/8/04	Payment of \$5,335.29 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
2	10/22/04	11/8/04	Payment of \$4,925.56 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
3	10/15/04	11/8/04	Payment of \$4,994.39 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
4	10/15/04	11/8/04	Payment of \$5,344.39 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
5	1/28/05	2/28/05	Payment of \$4,920.76 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
6	2/4/05	2/28/05	Payment of \$5,033.99 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
7	2/4/05	2/28/05	Payment of \$4,372.46 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
8	2/11/05	2/28/05	Payment of \$5,843.65 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
9	2/11/05	2/28/05	Payment of \$5,248.96 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
10	4/29/05	5/23/05	Payment of \$4,806.46 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
11	4/29/05	5/23/05	Payment of \$5,194.44 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
12	5/6/05	5/23/05	Payment of \$5,564.57 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036

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13	5/6/05	5/23/05	Payment of \$7,479.95 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
14	5/13/05	6/7/05	Payment of \$6,119.52 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
15	5/13/05	6/7/05	Payment of \$4,849.13 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
16	5/20/05	6/7/05	Payment of \$6,163.89 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
17	5/20/05	6/7/05	Payment of \$7,529.00 from Best Buy to American Same Day	ASD P.O. Box 51 Glenolden, PA 19036
18	6/17/05	7/19/05	Payment of \$5,361.34 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
19	6/24/05	7/19/05	Payment of \$5,606.31 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
20	6/24/05	7/19/05	Payment of \$6,756.12 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
21	7/1/05	7/19/05	Payment of \$6,317.67 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
22	7/1/05	7/19/05	Payment of \$5,128.85 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
23	8/5/05	9/6/05	Payment of \$4,816.03 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
24	8/5/05	9/6/05	Payment of \$4,704.09 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
25	8/12/05	9/6/05	Payment of \$5,730.43 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036

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26	8/12/05	9/6/05	Payment of \$5,019.68 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
27	9/9/05	10/17/05	Payment of \$4,512.48 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
28	9/16/05	10/17/05	Payment of \$6,110.74 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
29	9/16/05	10/17/05	Payment of \$4,307.57 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
30	9/23/05	10/17/05	Payment of \$6,093.09 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
31	9/23/05	10/17/05	Payment of \$4,806.46 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
32	11/4/05	12/12/05	Payment of \$5,621.27 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
33	11/4/05	12/12/05	Payment of \$5,514.48 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
34	11/11/05	12/12/05	Payment of \$5,158.20 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
35	11/11/05	12/12/05	Payment of \$6,240.04 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036
36	11/11/05	12/12/05	Payment of \$6,093.09 from Best Buy to American Same Day	ASD P.O.Box 51 Glenolden, PA 19036

All in violation of Title 18, United States Code, Sections
1341 and 2.

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FORFEITURE ALLEGATIONS

Counts 1 through 36 of this Indictment are hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

As the result of the offenses alleged in Counts 1 through 36 of this Indictment, the defendant,

JOSEPH ANTHONY GRAZIOLA, III,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Sections 1341.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All in violation of Title 18, United States Code, Sections 981(a)(1)(C) and 1341, and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

UNITED STATES ATTORNEY

FOREPERSON